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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,820	03/25/2004	James Worden Toffey	649087/004 SPB/RE	7594

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EXAMINER

HAVAN, THU THAO

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/808,820	Applicant(s) TOFFEY, JAMES WORDEN	
	Examiner Thu Thao Haven	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/8/06; 12/5/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because some of the figures are difficult to see such as figures 6-6c, 10-12, and 37-38. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gianakouros et al. (US 2002/0055901) in view of Cristofich et al. (US 6,173,270).

Re claim **1**, Gianakouros teaches a system for effecting straight-through-processing of trades executed between a customer and a dealer (para. 0006-0007), the system comprising:

a trade execution system including one or more computer systems capable of generating a trade order and executing a block trade between the customer and the dealer based on the trade order wherein the trade order includes a pre-allocation of customer accounts, the trade execution system in communication with one or more customer computer systems and dealer computer systems having software operable thereon for permitting communication of trading data through the trade execution system (para. 0025-0026, 0029, and 0080);

an account database for storing one or more account information [records..replaces with entry in paragraphs 0037 and 0050 of Gianakouros] that are accessible by the trade execution system, the account information [records/entries] being associated with one or more settlement instruction sets (para. 0017, 0027, and 0037; fig. 2; Gianakouros discloses an instruction permitting automatic trading via standing instructions in relation to an account relational database); and

wherein the trade execution system is operative with programming to: store a block trade [record/entry] including details of the block trade executed by the customer and the dealer (para. 0030, 0037-0038, and 0054; Gianakouros discloses trading alerts are entered by participating brokers and block trades are negotiated by institutional clients);

generate an allocated trade [record/entry] for each of the account allocations received from the customer computer system, each of the allocated trade [record/entry] being associated with the block trade [record/entry] (para. 0017, 0010, and 0007);

receive an indication from the dealer computer system that the allocated trade [record/entry] are confirmed (para. 0060, 0077, and 0082);

Art Unit: 3624

enrich the allocated trade records by incorporating one of the settlement instruction sets into each of the allocated trade [record/entry] (para. 0011 and 0037); and

transmit each of the enriched allocated trade [record/entry] to an appropriate clearing institution (para. 0017, 0079, and 0092).

However, Gianakouros does not explicitly teach record. On the other hand, Cristofich discloses record when he discloses a new record corresponding to that participant (col. 6, lines 8-21; figs. 1-2). Cristofich discloses system seeks the remaining defining parameters for that participant for storage within the addressable database record. He also discloses the records for the lth participant are updated with the new information replacing the existing entries/files in the database. Thus, it would have been obvious to one of ordinary skill in the art to implement record as a entry when dealing with trading stocks as discloses in Cristofich.

Re claims **2** and **7**, Gianakouros teaches a trade history database wherein the block trade records and allocated trade records are stored, the block trade records and allocated trade records being accessible by the customer computer and dealer computer systems such that the customer and dealer can view summary reports (figs. 2-3).

Re claims **3-4**, Gianakouros teaches programming operative on the trade execution system is server-based programming that operates in conjunction with programming on the customer computer system and dealer computer system which is client-based programming to achieve a client-server environment (para. 0086 and 0091-0092; fig. 2).

Re claims **5-6**, Gianakouros teaches graphical interfaces enable the customer to generate trade inquiries and transmit the trade inquiries to one or more dealers and wherein

Art Unit: 3624

the graphical interfaces enable the dealer to receive the trade inquiries and generate firm prices in response to the trade inquiries and transmit firm prices to the customer (para. 0046, 0048-0049, 0054, and 0077; figs. 2 and 4-5).

Re claim **9**, Gianakouros teaches indication is a click of a graphical button (para. 0079-0080, 0087, and 0090-0092).

Re claims **8, 10-15, 17-18, 20-26, and 27-31**, Gianakouros teaches a method as claimed in claims 1 and 19. Therefore the rationale applied in the rejection of claims 1 and 19 applies herein.

Re claim **16**, Gianakouros teaches trade is executed via telephone (para. 0045 and 0078).

Re claim **19**, Gianakouros teaches Gianakouros teaches a method as claimed in claim 1. Therefore the rationale applied in the rejection of claim 1 applies herein. In addition, Gianakouros teaches a dealer axe to one or more selected customers (para. 0089), the method comprising:

initiating an axe generation module (para. 0092; Gianakouros teaches message window corresponding to axe);

inputting axe details into an interface provided by the axe generation module (para. 0089 and 0092);

generating an electronic axe trade ticket wherein the axe trade ticket is actionable by the customers for a quantity up to a total axe quantity or only for the total axe quantity (para. 0037, 0049, and 0092);

transmitting the electronic axe trade ticket to the one or more selected customers
(para. 0045 and 0077-0079);

receiving an indication from at least one of the selected customers that the axe details
in the electronic axe are acceptable (para. 0047 and 0050).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Molinari et al., US 6,016,482

Kalmus et al., US 4,674,044

Hawkins et al, US 5,497,317

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the

Application/Control Number: 10/808,820

Page 7

Art Unit: 3624

Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Thu Thao Havan'.

Thu Thao Havan

Art Unit: 3624

9/22/2006